

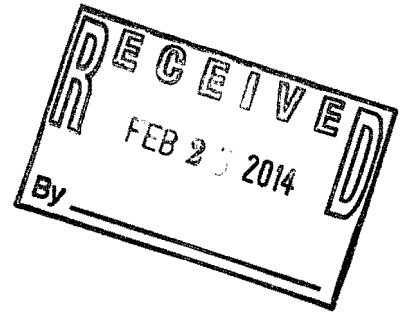
9

James A. Byrne

U.S. Court House

601 Market Street

Philadelphia Pa. 19106



Ms. Wessie Sims Plaintiff.

CV-12-5486

4925 W. Stiles Street.

Civil Action

Philadelphia Pa. 19131

To the Honorable Petrese Tucker Chief Judge of the United States Court House.

Your above name respectfully writes to your Honor in regard to CV-number 12-5486.

Where the District Court have original jurisdiction ch.231,(1911) sect.24 to consider the case in the first instance and to take cognizance of its cause at its inception, try it, and pass judgment upon the law and facts. Original is an obligation which constitutes a legal and moral duty. This case was dismissed pursuant to failure to state a claim upon which relief can be granted. Fed R. civil proc.12 (b). the District Court had accepted the facts alleged in the complaint as true and viewing the facts in a light most favorable to plaintiff. Although plaintiffs complaint states a claim for relief due process xiv. Moreover failure to state a claim is not conclusions of law. Because in a case in which a party with the burden of proof has failed to present a Prima Facie Case for jury consideration. The trial Judge may order the entry of a verdict without allowing the jury to consider it because as a matter of law there can be only one such Verdict Fed. Rule of civil p.50 (a).Although plaintiff had demanded trial by jury Fed R. Civil procedure (38).

The right to a jury trial is also preserved in the State Constitution of the Commonwealth of Pennsylvania signed in Philadelphia by President Benjamin Franklin July 15, 1776. After the city refused to accept personal service by the process server prior to dismissal the process server then sent the complaint and summons through the mail Certified and return receipt requested. The defendants then claimed that

they never received the mail. The District Court dismissed the case pursuant to Fed. Rule 4 mandate time limit 120 days without notice. Where the complaint was filed September 25, 2012 and the Certified Mail was delivered 11-21-2012. Plaintiff request USPS track and confirm. USPS confirmed date delivery and time. By making it firm giving new assurance of the truth and certainty and putting aside past doubt that which was infirm and difficult of proof. USPS Tracking enclosed.

By United States Postal Service act and process of confirming by article number Federal Service implies knowledge and exercise of discretion after knowledge. This case was appealed to the Third Circuit Court of Appeals no. 13-1398 upholding the District Court decision January 9, 2014. Appeals to the Federal Courts of Appeals from U.S. District Courts must be from final decisions of the District Court 28U.S.C.A.1291. Because the Courts of Appeals lack jurisdiction over non-final judgments. A final decision or judgment leaves nothing open to further dispute and which sets at rest cause of action between parties.

In reTiffany 252, U.S. 32, 40, Supreme ct. 239, 240, 64, L. Ed. 443

This case was dismissed without the opportunity to be heard.

Pennoyer V. Neff 95 U.S. 733 24, L. Ed. 565, Supreme ct. Oct. (1877)

Minimal procedural due process is that parties whose rights are to be affected are entitled to be heard.

Fuentes V. Shevin 407, U.S. 67, 79 92, S. ct. 1983, 1994, 32 L. Ed.2d, 556.

Supreme Court Oct. (1879) Ex Parte Virginia Sect. 2. The section of the act entitled, an act to protect all citizens in their Civil and legal rights approved March1, (1875).

The court conclusion in United States v. Classic no. 618 argued April 7, (1941) decided May 26,(1941).

See: April 20, 1871 an act to enforce the provision of the Fourteenth Amendment.

April 9, (1866) an act to protect all persons in the United States in their civil rights and furnish the means of their vindication

Where the District Court has jurisdiction over subject matter it has power to afford parties relief to which they are entitled on facts applying rules of both law and equity.

Zunamon v. Brown. c.a. Ark. (1969) 418 F.2d.883. Code de procedure civil as part of Code Napoleon regulates the system of courts. Their organization, civil procedure, special and extraordinary remedies and the execution of judgments. Where Code of Federal Regulations contain the general body of regulatory laws governing practice and procedure before Federal Administration Agencies.

Nationalization of the Bill of Rights *Baron v. Baltimore* 7 Peters 243, 8 L. Ed. 672 (1833). There are two privileges and immunities clause. The provision of article iv: The citizen of each state shall be entitle to all privileges and immunities of citizens in the several states. While the xiv amendment provides: No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

*Toomer v. Witsell* 334u.s.385, 68 S.ct. 1156 ,92. L.Ed.1460. The second clause of the xiv amendment protects the privileges and immunities of the citizens of the United States, defined by Justice Washington in the Circuit Court for the District of Pennsylvania (1823). *Corfield v. Coryell*, and by the Court *Ward v. Maryland* (1871). A privilege of a citizen of the United States is to demand the care and protection of the Federal Government over his life, liberty and property when on the high seas or within the jurisdiction of a foreign government.

The Pennsylvania Constitution signed in Philadelphia July 15, (1776) by President Benjamin Franklin. Sect. 46 The Declaration of Rights is hereby declared to be a part of the Constitution of this Commonwealth and ought never to be violated on any pretence whatever.

Wherefore plaintiff respectfully request your Honor review her concerns of the District Court and reinstate her case for further proceedings and the execution of judgment.

Respectfully Submitted

Ms. Wessie Sims pro se

February 24,2014

A handwritten signature in black ink that reads "Wessie Sims pro-se". The signature is written in a cursive, flowing style.

**From:** US\_Postal\_Service <US\_Postal\_Service@usps.com>  
**To:** jamjadams9 <jamjadams9@aol.com>  
**Subject:** U.S. Postal Service Track & Confirm email Restoration - 70092250000038816175  
**Date:** Fri, Feb 7, 2014 7:04 pm

This is a post-only message. Please do not respond.

wessie sims has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 70092250000038816175

Service Type: Certified Mail

Shipment Activity	Location	Date & Time
Delivered	PHILADELPHIA PA 19102	November 21, 2012 1:38 pm
Depart USPS Sort Facility	PHILADELPHIA PA 19176	November 21, 2012
Processed at USPS Origin Sort Facility	PHILADELPHIA PA 19176	November 21, 2012 4:18 am
Dispatched to Sort Facility	PHILADELPHIA PA 19122	November 20, 2012 3:29 pm
Acceptance	PHILADELPHIA PA 19122	November 20, 2012 1:00 pm

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm tool at <http://www.usps.com/shipping/trackandconfirmfaq.htm>.

*Note: The Zoning Board was served 11/24/38pm 2012 on Wed.  
Case # 13-1398  
CV-125486  
Wessie Sims 2-24-2014  
Zoning Board*

**From:** US\_Postal\_Service <US\_Postal\_Service@usps.com>  
**To:** gordagord4515 <gordagord4515@aol.com>  
**Subject:** U.S. Postal Service Track & Confirm email Restoration - 70092250000038816182  
**Date:** Wed, Feb 5, 2014 5:02 pm

This is a post-only message. Please do not respond.

wessie sims has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 70092250000038816182

Service Type: Certified Mail

Shipment Activity	Location	Date & Time
Delivered	PHILADELPHIA PA 19102	November 21, 2012 2:59 pm
Depart USPS Sort Facility	PHILADELPHIA PA 19176	November 21, 2012
Processed at USPS Origin Sort Facility	PHILADELPHIA PA 19176	November 21, 2012 4:14 am
Dispatched to Sort Facility	PHILADELPHIA PA 19122	November 20, 2012 3:29 pm
Acceptance	PHILADELPHIA PA 19122	November 20, 2012 12:58 pm

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

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*Delivered 11-21-2012 at 2:59 pm*

*Case # CV-125486*

*Case # 13-1398*

*From Wessie Sims*

*2-24-2014*

*on Wed 11-21-12*

*Law Dept. Delivered.*

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First-Class Mail®

**Features:**

Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
November 21, 2012 , 8:47 am	Delivered	PHILADELPHIA, PA 19106
November 21, 2012 , 8:37 am	Arrival at Unit	PHILADELPHIA, PA 19107
November 21, 2012	Depart USPS Sort Facility	PHILADELPHIA, PA 19176
November 21, 2012 , 2:43 am	Processed at USPS Origin Sort Facility	PHILADELPHIA, PA 19176
November 20, 2012 , 3:29 pm	Dispatched to Sort Facility	PHILADELPHIA, PA 19122
November 20, 2012 , 12:57 pm	Acceptance	PHILADELPHIA, PA 19122

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*Delivered 11-21-2012 at 8:47 AM*  
*Case # CV-125486 - on the Docket.*  
*Wessie Sims 2-24-2014 District Court*

*Delivered on Wed. 11-21-2012*

[https://tools.usps.com/go/TrackConfirmAction.action?Ref=fullpage&H\\_c=1&H\\_label=7009](https://tools.usps.com/go/TrackConfirmAction.action?Ref=fullpage&H_c=1&H_label=7009) 2/5/2014